

REMARKS

Claims 1-21 are pending in the above-referenced patent application and have been rejected by the Examiner. Claim 1 has been amended herein. The Examiner has objected to the drawings and has stated that they are considered "draft drawings." The Examiner has further advised that Applicant "employ the services of a competent draftsman outside the office as the U.S. Patent and Trademark Office no longer prepares new drawings." The Examiner then goes on to require new drawings.

As an initial matter, informal drawings are perfectly acceptable for submission with a patent application. The rules and statutes impose no requirement for formal drawings at this stage in the application process. Moreover, Applicant's representative is fully aware of the need for competent draftspersons when the time is appropriate and in fact employs one on staff so there is no need to look "outside the Office." Finally, Applicant's representative is fully aware, and always has been, of the fact that the Patent Office does not prepare drawings. Accordingly, there should be no requirement for formal drawings in the above-referenced Office Action. However, such drawings are being supplied herewith to expedite prosecution of the instant patent application.

The Examiner has rejected claims 1-11 and 15-21 of the instant patent application under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,799,157 to Escallon (hereinafter referred to as the '157 patent). The '157 patent is directed to a system and method for the production and presentation of dynamically linked electronic presentation information to front end client computers. The system allegedly provides dynamic access to the client computers and can transmit and process transactions. The system also allegedly provides for production of a system for the presentation of information in the form of electronic books linked to databases. These books can include forms coded for execution of a requested transaction.

In the Office Action, the Examiner states that the '157 patent discloses "determining the user's specific procurement process" as is recited in

claim 1 of the instant patent application. In support of this contention the Examiner cites the Abstract, and column 2 line 3 – column 3 line 43 of the '157 patent. Applicants respectfully submits that the Examiner has misinterpreted the teachings of the '157 patent. The Abstract of the '157 patent is silent with regard to making any determination of a user's specific procurement process. In fact, there is no mention in the '157 reference whatsoever regarding making a determination of a user's specific needs. The only manner by which the Examiner can reach such a conclusion is through hindsight reconstruction based upon the Applicant's patent application, which is impermissible.

With regard to the Examiner's reliance on column 2 line 3 to column 3 line 43 as set forth above, Applicant again submits that the Examiner has misinterpreted the '157 reference. The passage relied upon by the Examiner encompasses the "Summary of the Invention," the "Brief Description of the Figures," and a large portion of the "Detailed Description of Preferred Embodiments and Methods" sections of the '157 patent. Nowhere from column 2 line 3 to column 3 line 43 of the '157 patent is anything resembling determining the user's specific procurement process, as is recited in claim 1 of the instant patent application, mentioned. Instead, the section relied upon by the Examiner is directed to a system that can be used in the formation and presentation of electronic books. See column 2 lines 12-17, column 3 lines 11-15, and column 3 lines 20 – 43 of the '157 patent. In the instant application the procurement process is "determined by an inventory of the user's facility, by an audit of the user's procurement methods and/or by querying the user's personnel involved in the procurement process." See page 5, lines 28-31 of the application in question. This is not disclosed, taught, or suggested by the '157 patent.

The Examiner states that the '157 patent teaches "inputting data indicative of the procurement process of the user into a content database." In support of this statement the Examiner relies upon the Abstract, and column 1 lines 7-9. Applicant finds no teaching or suggestion whatsoever of inputting data indicative of a user's specific procurement process in the Abstract. In fact, the Abstract is silent regarding any type of procurement process as defined in the current patent application. Moreover, column 1 lines 7-9 of the '157 patent recite:

"The present invention relates generally to computer systems and methods of use and, in particular to creation of interactive computer systems which present information and execute transactions."

First, this statement is a recitation of what the present invention relates to and not what the present invention is. Moreover, this passage has no relationship whatsoever to inputting data indicative of a user's specific procurement process as is recited in claim 1. Here, it is immediately apparent that the Examiner is practicing hindsight reconstruction based on Applicant's disclosure because a significantly large mental leap must be made to conclude that the passage relied on by the Examiner reaches any element recited in claim 1.

The Examiner states that the '157 patent teaches "hosting a web site operative with the computer program and the content database, the web site being accessible via the Internet through a communications device." In support, the Examiner relies on the Abstract and column 2 lines 3-28 of the '157 patent. Both the abstract, as well as column 2 lines 3-28 of the '157 patent are silent with regard to web site hosting. In fact, there is not even any mention of hosting a web site or the Internet at all. Accordingly, there can be no teaching or suggestion of web site hosting as the Examiner contends.

The Examiner states that the '157 patent teaches "storing an electronic order form in the memory, the order form being unique to the user, and operative with the computer program and the content database, such that the order form lists goods that meet the requirements of the determined procurement process of the user." In support of this, the Examiner cites the Abstract and column 3 lines 21-27 as well as column 4 lines 15-59. Applicant has amended this method step of claim 1 to recited the "specific procurement process." As set forth above, the '157 patent is devoid of any disclosure, teaching, or suggestion of a specific procurement process as it is recited in claim 1 of the current patent application. In addition, while the '157 patent does disclose that the system set forth therein can generate forms, it is bereft of any disclosure, teaching, or suggestion that such forms are unique to a particular user.

Accordingly, Applicant submits that this step of claim 1 is not taught or suggested by the '157 patent.

Unlike the invention recited in claim 1 of the instant patent application, the '157 reference does not teach or suggest accessing the content database through the web site. In fact, there is no mention of access via a web site, or website for that matter, anywhere in the '157 patent. As such there can be no teaching or suggestion regarding displaying the electronic order form unique to the user as a web page on the web site in response to the identification signals identifying the user as is disclosed in claim 1.

For at least the above set forth reasons, Applicant respectfully submits that claim 1 is not rendered obvious by the '157 reference as applied by the Examiner. Since claims 2-11 depend either directly or indirectly from independent claim 1, they too are in condition for allowance.

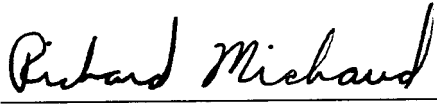
In the Office Action, the Examiner states that claim 15 "is written as a method and contains essentially the same limitations as the combination of claims 1-6 . . . therefore, the same rejection is applied." Accordingly, the arguments made herein above regarding the patentability of claim 1 apply equally to claim 15. Therefore Applicant submits that claim 15 is in condition for allowance and an early action to that effect is earnestly solicited. Claims 16-18 depend either directly or indirectly from claim 15 and as such, they also patentably distinguish over the references applied by the Examiner.

In the Office Action the Examiner has rejected claim 19 for the same reasons as claim 1. Accordingly, the arguments made herein above regarding the patentability of claim 1 apply equally to claim 19. However, claim 19 also includes elements and limitations that were not addressed by the Examiner. Clarification is requested. Furthermore, and unlike the invention recited in claim 19, the '157 patent does not disclose, teach or suggest customizing an order form, operative with the web site, to a particular procurement process of the user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process. As stated previously herein, there is no mention whatsoever of a procurement process or anything akin to it in the

'157 patent. There is certainly no mention or suggestion as is recited in claim 19 of the current application, of auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process. For at least these reasons, claim 19 is rendered obvious by the '157 patent. Since claims 20 and 21 depend from claim 19, they also patentably distinguish over the reference as applied by the Examiner.

Based on the foregoing, Applicant submits that all of the pending claims of the patent application in question are in condition for allowance. Should any matter remain unresolved, Applicant requests that the Examiner contact Applicant's representative at the number listed below. While no fees are believed to be due with the filing of this response, please charge any deficiencies in fees to our Deposit Account No. 13-0235.

Respectfully submitted,

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